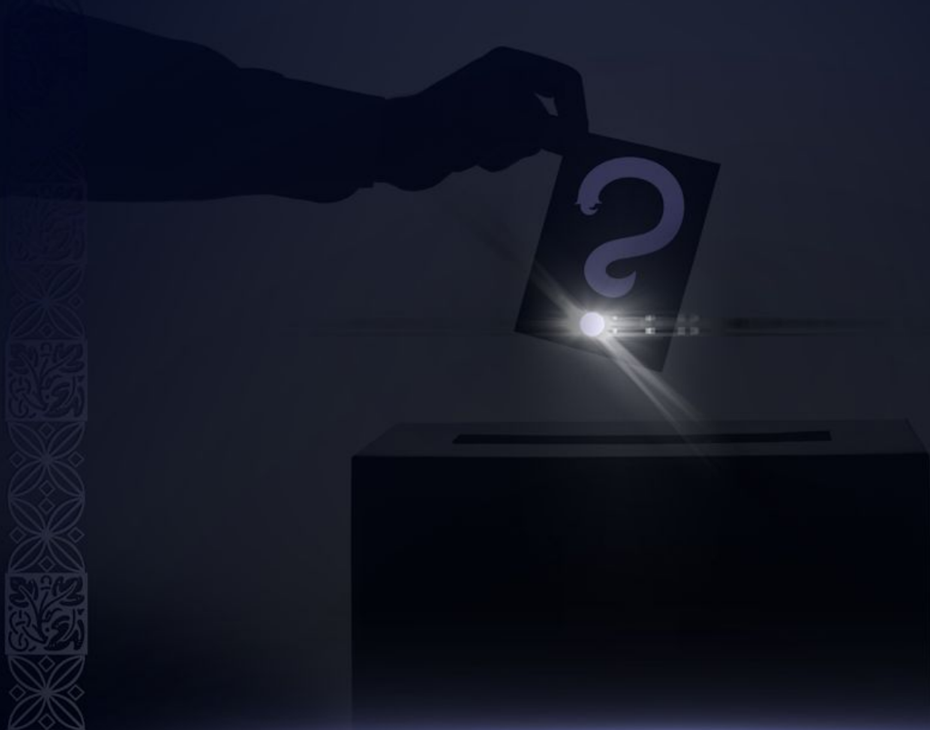


A QUESTION ON DEMOCRATIC ELECTIONS

SHAYKH ABU SALMAN HASSAN IBN HUSAYN

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بسم الله الرحمن الرحيم

QUESTION: You mentioned in some of your lessons: "I do not declare *takfir* upon all voters in general due to their ignorance and the matter being unclear." But how can major *shirk* be considered unclear? And how can we excuse them due to ignorance and the matter being obscure while they are committing major *shirk*, when we say there is no excuse with regard to major *shirk* except *ikrah* (coercion)?

ANSWER: I did not mention in our works and lessons this ruling in that context and way. That which I related was a distinction between whoever is aware of the reality (*haqiqah*) of the contemporary voting system in the secularist states, and whoever is not aware of the reality. Because there is a difference between being ignorant of the reality of something and between being ignorant of a ruling of something while having knowledge of its reality. And for this reason, I view the masses who are not aware of the reality of the contemporary elections to be excused, due to their ignorance of the reality surrounding these matters; whereas, I do not excuse whoever has knowledge of the reality of the situation, even if he was ignorant of the ruling and that it is: major *shirk* which removes him from the *millah*.

The reason behind giving an excuse to whoever is ignorant of the reality of democratic elections is that elections are considered a 'means' (*wasilah*), and the means take the ruling of their 'objectives' (*maqasid*). Thus you have here a permissible type of voting and another that could be impermissible, and there could be a third type of voting which is obligatory and another type of voting which is *shirk* and *kufr* - [this all] from a default, foundational perspective. However, the contemporary democratic elections is a means to establish 'deities' who are legislators besides Allah. So whoever does not know this reality, then, what is apparent is that he did not intend the *kufr* meaning [that

the act entails] and only came with an image of the action while not realizing its reality nor its meaning.

To summarize: the people of our era differed concerning the process of democratic elections with various opinions, and there is no need to mention them all now. That which I see correct, is that it is a *kufri taghuti* process where whoever participates in it or is pleased with it or calls to it or encourages it or praises it, disbelieves in a general sense; however, I elaborate when it comes to the sense of applying the rulings upon individuals and groups. And before mentioning the details, we should mention in brief some affirmed causes of *takfir* due to this *taghuti* process, so it could be used as tools for the questioner and his likes from the brothers, along with answering your request and what the brother Ibrahim mentioned about your situation in the country.

THE FIRST FOUNDATION

Committing actual *kufr* is not permissible except by a valid *ikrah* according to *ijma'* (consensus), due to His (*ta'ala*) statement:

مَن كَفَرَ بِاللَّهِ مِن بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَٰكِن مَّن شَرَحَ بِالْكُفْرِ صَدْرًا

"Whoever disbelieves in Allah after his belief, except for one who is forced while his heart is at rest with *iman*, but those who open their breasts to disbelief…"[1]

Al-'Allamah Abu Muhammad ibn Hazm (d. 452 A.H.) states, "The one whose *ikrah* has been confirmed is excluded from being a *kafir* for displaying *kufr* because of the concession of Allah (*ta'ala*) and remaining steadfast upon *iman*. What remains is whoever displays *kufr*, without reading it, nor giving a testimony, nor due to quoting,[2] nor being forced, then it is obligatory to apply

[1] An-Nahl: 106.

[2] What ibn Hazm is referring to in these three listings is reading and saying a statement of *kufr* to either explain it or relate it, etc.. (ed.)

kufr upon him according to the *ijma'* of the *ummah* in regard to judging him with *kufr* and according to the ruling of the Messenger of Allah (*sallallahu 'alayhi wa sallam*) concerning that and the textual proof of the Quran, which states that whoever says a statement of *kufr* is a *kafir*."[3]

And Shaykhul-Islam (d. 728 A.H.) said, "There is no dispute among the *Muslimin* that is not permissible to order or give permission to speak a word of *kufr* for any reason. Rather, whoever utters it is *kafir* unless he was coerced and says it with his tongue, while his heart is at rest with *iman*."[4]

And *al-'Allamah* ibnul-Qayyim (d. 751 A.H.) remarked, "There is no dispute among the *ummah* that it is not permissible to give permission to speak a word of *kufr* for any reason unless he was coerced, while his heart is at rest with *iman*."[5]

With this, the *ijma'* of the *ummah* is clear in regard to whoever falls into *kufr* willingly is a *kafir*. It also becomes apparent that the only excuse which grants someone a concession for displaying *kufr* is *ikrah*. And that whoever falls into actual *kufr* due to any reason, like reforming and its likes, is considered a *kafir*. And so when it is clarified that the reality of this democratic process is attributing legislation to other than Allah as a way of self-government and that this is clear-cut *kufr* in the *din*, then, there is no doubt this process is not permissible except due to a legitimate *ikrah*.

THE SECOND FOUNDATION

Approving and authorizing *shirk* by ordering it or permitting it or praising, commending, and encouraging it, is *kufr* in the *din*. Because the *Muslimin* have unanimously agreed that ordering *shirk* or permitting it, and likewise praising, commending, and encouraging it, is *kufr* and apostasy. So if this democratic process is *kufr*, then, ordering it or permitting it or encouraging it is *kufr*, and

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[3] *Al-Fasl al-Milal wan-Nahl*, v. 3, p. 249-250.
[4] For more, see *Bayan ad-Dalil 'ala Butlan at-Tahlil*, p. 143-148.
[5] See *I'lam al-Muwaqqi'in*, v. 5, p. 96, p. 98-9, p. 190-1.

apostasy if it came from a Muslim. Shaykhul-Islam ibn Taymiyyah states, "There is no dispute between the *Muslimin* that to command *shirk* is *kufr*, and apostasy if it came from a Muslim - and that praising, commending, and encouraging it is *kufr*, and apostasy if it came from a Muslim."[6] And among those who ibn Taymiyyah declared *takfir* of for opposing this foundation were: Abu Mish'ar al-Balkhi and ar-Razi.[7] Based upon this, whoever orders *kufr* or permits it or commends it or praises it or encourages it, such as those who call towards democratic elections while he knows its reality from the Islamists, then, he is a *kafir* by *ijma'*.

THE THIRD FOUNDATION

If a statement is clear or apparent in its meaning there is no need to look at the intention [of the one who said it] according to the consensus of the *fuqaha*.

Imam al-Qarafi (d. 684 A.H.) said, "Maxim: it is only required to check the intention if the words could carry multiple meanings. But whatever demonstrates its meaning, or explicitly or clearly implies it, there is no need to check the intention. Because of that, the *fuqaha* agreed that there is no need to look at the intention of [whoever spoke] clear words, due to what it indicates - either explicitly or apparently, and this is the case most times. [...] And what is relied upon in all of this is: what is apparent suffices for inquiring about the intention and investigating the specific person."[8]

And *al-'Allamah* 'Abdul-Latif ibn 'Abdir-Rahman (d. 1293 A.H.) stated, "Indeed, the *fuqaha* and the people of knowledge have firmly established in relation to the issue of apostasy, and other than it, that clear statements and what it means by necessity carries its ruling along with them, even if the one who spoke them claims he meant something else than what was apparent. This matter is clear in their speech, as everyone who looked into it would know."[9]

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[6] *Bayan Talbis al-Jahmiyyah*, v. 3, p. 54.
[7] See *Bayan Talbis al-Jahmiyyah fi Ta'sis Bid'ihim al-Kalamiyyah,* v. 3, p. 53, p. 84.
[8] *Sharh Tanqih al-Fusul*, p. 112.
[9] *Minhaj at-Tasis wat-Taqdis*, p. 108.

Based upon this principle is the statement of *al-Faqih* ibn Hajr al-Haytami (d. 974 A.H.), "Judging others with the ruling of *kufr* revolves around what is apparent, not looking at what was meant and the intentions nor for indicators of what the circumstance was."[10] Because intending to disbelieve in Allah is not a condition [to be considered a *kafir*]. What is stipulated is intending the statement or action of *kufr*, as performing the action includes intending the meaning if the action or statement was clear or apparent in its meaning. And to the Legislator belongs the rulings that result from its causes (*asbab*), not to the legally held responsible individual (*mukallaf*). So if he comes with a *sabab*,[11] then its ruling applies, whether he likes it or not.

Therefore, since the process of democratic elections is apparent in selecting legislators besides Allah - in fact, it was not established in the democratic countries in our times except for this core purpose - it is absolute *kufr*. And so no consideration is given to the voter or candidate whose intention is amending or reforming. If it is said: the voter and candidate do not intend this *shirki* meaning, they only intend reformation or reducing and lessening the present evil that is present! I would respond by saying: it has preceded that the intention of reformation is not given any consideration in regard to actual *kufr*, as we previously explained above. The only thing looked at is whether this interpretation (*tawil*) of theirs benefits them or not from *kufr*? And what is correct is that it is of no benefit, because of:

THE FOURTH FOUNDATION

To the Legislator belongs the rulings that result from its *asbab* (pl. of *sabab*), not to the legally held responsible individual. So if he comes with a *sabab*, then its ruling applies, whether he likes it or not. And it is due to this principle that the one who is joking and playing around disbelieves if he commits *kufr*, even

[10] *Al-I'lam bi-Qawati' al-Islam*, p. 185, p. 282.

[11] *'Sabab'* carries the meaning of 'cause' or 'reason'. It is the reason or cause for a certain thing to take place. In this piece, it is mostly used in reference to the reason or cause for the *hukm* of *kufr* (i.e., *takfir*) to occur. We have left it in its transliterated form without translating it herein. (ed.)

if they did not intend *kufr* and meant something else. Imam Ahmad ibn Idris al-Qarafi said, "It is not up to the legally held responsible person to revoke the *shar'i asbab* nor in nullifying what results from them."[12]

This principle is tied to an enormous principle in the *shar'*. And it is judging people based upon what is apparent; this is the rule of the *Shari'ah*.

Imam ibnul-Qayyim stated, "The ruling is to be carried out due to both the phrase and meaning. So each forms a part of the *sabab*. They both go together. However, what really is taken to account is the meaning, while the phrase is a proof [that he intended the meaning behind the phrase]. For that reason, it could held upon something else if the meaning is not clearly intended. And in general, this is the case with all types of speech. Thus it is to be held upon the meaning that is understood from it, especially in regard to *shar'i* rulings which the Legislator has attached particular judgments to. As a result, the speaker is held to intend the meaning of the words he used, and the listener should hold it upon those meanings, as well. And if the speaker did not intend its meaning or intended something else, the Legislator invalidates his [claimed] intention. Therefore, if he was joking or messing around without intending its meaning, the Legislator compels him to it, like whoever jested with *kufr*, *talaq* (divorce), *nikah* (marriage contract), *raj'ah* (taking back one's wife). Rather, even if a *kafir* uttered the word of Islam (i.e., the *shahadah*) as a joke, it would be attached to him and the rulings of Islam would be applied outwardly upon him."[13]

And *Amir al-Muminin* 'Umar ibn al-Khattab (*radiyallahu 'anhu*) said, "In the lifetime of the Messenger of Allah (*sallallahu 'alayhi wa sallam*) some people were called to account through revelation. Now, revelation has discontinued, and we judge you by your apparent acts. Whoever displays to us good, we shall grant him peace and security, and treat him as a near one. We have nothing to do with his secrets. Allah will call him to account for that. But whosoever shows evil to us, we shall not grant him security nor shall we believe him, even if he

[12] *Adh-Dhakirah fi Furu' al-Malikiyyah*, v. 3, p. 369.
[13] *I'lam al-Muwaqqi'in*, v. 3, p. 146.

professed that his intention is good."[14]

In another narration it states that 'Umar ibn al-Khattab (*radiyallahu 'anhu*) delivered a sermon and said, "O people! Certainly, we were only able to know your true reality when the Messenger of Allah (*sallallahu 'alayhi wa sallam*) was among us, and revelation descended upon us, and Allah informed us of your news. But as of now, the Prophet (*sallallahu 'alayhi wa sallam*) has died and revelation has stopped descending, and we will only know your situation by saying this: Whoever among you displays goodness, we assume well of him, and we would love him for it. And whoever displays to us evil, we assume evil of him, and we would hate him for it. As for your intentions, that is between you and your Lord."[15]

Ibn Hazm said, "If a person was to say: 'Indeed, Muhammad (*'alayhis-salatu was-salam*) is a *kafir*, and whoever follows him is a *kafir*,' and does not say anything else and remains silent, while he meant *kafirun bit-taghut* (disbelievers in the *taghut*), as He (*ta'ala*) said, 'So whoever disbelieves in the *taghut* and believes in Allah has grasped the most trustworthy handhold that will never break,' there is no one among the people of Islam that disagrees that he would be judged with *kufr*. Similarly, if he said: 'Indeed, Iblis, Fir'awn, and Abu Jahl are believers, no one among the people of Islam would dispute that he is judged with *kufr*, even though he meant believers in the religion of *kufr*."[16]

And *al-Hafidh* al-'Iraqi (d. 806 A.H.) stated, "Whoever says what is apparently *kufr*, while he is sane, is a *kafir*. No *tawil* is accepted from him concerning what he intended…" And he said, "We do not know of any difference of opinion among the scholars of the pure *Shari'ah* sciences among the schools of the four *aimmah* and other than them from the legitimate people of *ijtihad*."[17]

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[14] Related by al-Bukhari, no. 2641.
[15] Related by Ahmad, v. 1, 41. An-Nasai, v. 8, p. 34, no. 4791. Abu Dawud, no. 4537. At-Tiyalisi, no. 54. Hannad, *Az-Zuhd*, no. 877. Abu Nu'aym, *Al-Hulyah*, v. 9, p. 253. And others, from al-Jariri, from Abi Nadrah, from Abi Firas, from 'Umar.
[16] *Al-Fasl fi al-Milal wa al-Ahwa an-Nihal*, v. 3, p. 118.
[17] *Tanbih al-Ghabi fi Takfir ibn 'Arabi*, p. 134. Al-Biqa'i, *Sawab al-Jawab lis-Sa'il al-Murtab*, p. 936.

Abul-Hassan al-Biqa'i (d. 885 A.H.) remarked, "Everyone who speaks apparent *kufr*, we judge him with *kufr* and leave his secrets to Allah,[18] as the consensus cited by Imam Abu 'Ali 'Umar ibn Muhammad ibn Khalil as-Sukuni states. What stresses this fact is what Imam al-Haramayn and al-Ghazali cited from from all the *usuliyyin* (scholars of *usul al-fiqh*) that whoever says a word of apostasy and claims that he intended deceptive speech, disbelieves outwardly and inwardly."[19]

The purpose of all this is that the voter and whoever calls towards this system have come with the *sabab* out of choice, which is to cast a vote and calling towards it. As a result of that (i.e., the *sabab* taking place out of choice) the ruling is attached to it - and that [ruling] is *kufr*. This is the case where the member of parliament did or did not legislate. Because the one who did not legislate by any action, is considered a legislator by his authoritative position. Thus in relation to the ruling, he is just like someone who legislates, as he has the authority of legislation which he acquired from the population through elections and voting, while being pleased with that without compulsion. So the one who does not legislate is like whoever legislates. And what clarifies this is: whoever builds an idol or a statue disbelieves, whether or not it is worshipped. Similarly, whoever builds a church or synagogue disbelieves, whether or not prayer is directed to other than Allah within.

Shaykhul-Islam said in regard to *takfir* of the one who jokes with *kufr* without intending it (i.e., its meaning and to disbelieve), "The *fiqh* behind this is that the joker has come with the statement without wanting to be attached to its ruling, and the rulings are applied due to their *asbab* which belong to the Legislator, not the one under contract (i.e., man). Due to this, if he comes with the *sabab*,

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[18] Meaning: We leave the reality of his affair and case to Allah. It does not mean the intention of the doer and his belief. (Sh. Hassan)

[19] *Nihayah al-Matlab fi Dirayah al-Madhhab*, v. 18, p. 293. He said, "The scholars of *usul al-fiqh* mentioned that whoever clearly says a word of apostasy and claims that he intended deception by that, disbelieves inwardly and outwardly." Commenting on this in *Al-I'lam*, p. 103, al-Haytami stated, "And he approved of that statement of theirs. So reflect over that, as it will benefit you in many matters." Likewise, as-Rashidi in *Al-Ilmam bi-Masail al-I'lam*, p. 46, said, "However, he restricted the speech of the scholars of usul in *Al-Minhaj* to phrases that can not accept deceptive speech. So it does not include phrases that could be *kufr* or could not be *kufr*."

the ruling is attached to him whether he likes it or not. Because the ruling is not withheld due to his choice of the matter. And the reason for that is the joker intended the statement, while having knowledge of its meaning and what it entails. And intending a statement which has a particular meaning is intending what that statement implies, as well. [...] So if that is the case, it does not matter if the person who comes with the *sabab* which necessitates a specific ruling claims he did not intend the ruling, just as it is not up to him in regard to what are statements of *kufr*."[20]

So in summary, whoever intends the *sabab* - which is voting and participating in elections with knowledge of the reality - then he has intended the result of the *sabab*, and that is giving the authority of legislation to other than Allah and choosing 'deities' who legislate besides Allah. And if the result of the *sabab* is *kufr*, then the *sabab* is the same because it is what it requires. Furthermore, the doer of the *sabab* is like the doer of its outcome when they are closely tied together. And the principle of *fiqh* states: "**Permitting the *sabab* is permitting the outcome of the *sabab* which is implied or predominantly found with it**."[21]

Likewise, among the *Shafi'iyyah*: "Permitting something entails what that thing implies."[22] And Imam ibn Daqiq al-'Id (d. 703 A.H.) said, "Indeed, declaring the *sabab* of a certain thing permissible, is declaring it permissible."[23]

This is the principle that the *fuqaha* of the *Malikiyyah*, *Shafi'iyyah*, and others such as ibn Daqiq al-'Id and ibn Taymiyyah clarified. It was also made clear by Abu Ishaq ash-Shatibi with his statement, "The occurrence of the *sabab* is like the occurrence of the outcome of the *sabab*, whether he intended that or not. Because since he began the *sabab* to occur, it is generally understood that he performed that directly."[24]

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[20] *Bayan ad-Dalil 'ala Butlan at-Tahlil*, p. 107-8.
[21] *Qawa'id al-Maqarri*, p. 384, p. 388.
[22] *Al-Manthur fi al-Qawa'id*, v. 1, p. 37.
[23] *Sharh 'Umdah al-Ahkam*, v. 2, p. 11.
[24] *Al-Muwafaqat*, v. 1, p. 335.

He also said, "Actions which result from our involvement are attributed towards us, even if we did not do them directly. [...] While the outcomes wherein benefit or harm occurs is not from the [direct] actions of the one who caused it."[25]

He said, as well, "The one who enters into a *sabab*, only enters for what it entails of its outcome. Thus when he acted, he entered based upon a condition that he bring the outcome of a benefit or harm through this. He is not excluded from that due to not knowing about the benefit or harm or the weighing of the two. [...] As a result, the performer is compelled to adhere to all of what results from that *sabab* of harms and benefits, even if he was ignorant of the details of it all."[26]

And he said, "It has been established that the occurrence of the *asbab* of the legally held responsible individual takes the ruling of the occurrence of the outcome. Therefore, when that is the case, it implies that the outcome takes the ruling of the one who willingly caused it."[27]

"Verily, the intender of a *sabab*, knowing what will result from it, is the intender of the outcome."[28]

"Indeed, knowledge of the what occurs of the outcome is as intending it itself, in respect to the legally held responsible individual."[29]

"Verily, what occurs of outcomes due to their *asbab* is attributed to the legally held responsible individual. His ruling comes from the angle of initiating it, due to what Allah established concerning outcomes that they are measured and held upon their *asbab* in relation to their uprightness or crookedness, and their

[25] Ibid, v. 1, p. 336-7.
[26] Ibid, v. 1, p. 338.
[27] Ibid, v. 1, p. 381.
[28] Ibid, v. 2, p. 216.
[29] Ibid, v. 1, p. 219.

justness or deviation."[30]

I may add: among the evidences of this principle is the Prophet's (*sallallahu 'alayhi wa sallam*) saying, "It is one of the gravest sins to abuse one's parents." It was asked, "O Messenger of Allah! Can a man abuse his own parents?" He replied, "Yes, he abuses the father of somebody who in return abuses his father." And this is in the two books of authentic narrations.

Imam al-Maziri (d. 536 A.H.) said, "It can be taken from this *hadith*: proof for one of the two opinions concerning the prohibition of selling silk clothes in order for them to be worn, while that (i.e., to wear silk) is forbidden to do. Or selling grapes to someone who presses them into wine and drinks it. Because he mentioned that whoever enacts the *sabab* is as if he was the direct performer of the outcome."[31]

This principle pertaining to the *asbab* and their outcomes requires that whoever votes or calls towards the elections of the legislative assembly - the parliament - out of choice is pleased with giving the sovereignty of legislation to other than Allah and establishing 'deities' besides Allah in legislation; because he willingly entered into the *sabab* which results in that. Therefore, by implication, he takes the ruling of the outcome of his voting and participating in elections. And this is especially the case here due to the democratic process being taken as a whole, and it falling under the principle: "Being pleased with a thing entails being pleased with what results from it." And from the topic of: "What can not be divided and separated, then, choosing some it is like choosing all of it, and negating something from it is like negating all of it."[32] [33]

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[30] Ibid, v. 2, p. 480.
[31] *Al-Mu'lim bi-Qawaid Muslim*, v. 1, p. 204.
[32] As-Subki, *Al-Ashabah wan-Nadhair*, v. 1, p. 105, p. 152.
[33] What is meant here is that elections are a part of the democratic process as a whole. You can't separate them from the process and claim they are something else. The democratic process begins with general elections to select representatives of the people (because it would be impractical to gather the entire population in a gathering like parliament and its likes) then it moves to those representatives entering into the various legislative gatherings and so on. It is all one process with different steps. (ed.)

THE FIFTH FOUNDATION

Analysing the parliamentary election system and the one who participates therein based upon some *shar'i* issues, from them:

First, if sitting in gatherings which mock and disbelieve in the *ayat* of Allah is *kufr*, as He (*ta'ala*) said:

وَقَدْ نَزَّلَ عَلَيْكُمْ فِى الْكِتَـبِ أَنْ إِذَا سَمِعْتُمْ ءَايَـتِ اللَّهِ يُكَفَرُ بِهَا وَيُسْتَهْزَأُ بِهَا فَلاَ تَقْعُدُواْ مَعَهُمْ حَتَّى يَخُوضُواْ فِى حَدِيثٍ غَيْرِهِ إِنَّكُمْ إِذاً مِّثْلُهُمْ إِنَّ اللَّهَ جَامِعُ الْمُنَـفِقِينَ وَالْكَـفِرِينَ فِى جَهَنَّمَ جَمِيعاً

"And it has already been revealed to you in the Book that when you hear the *ayat* of Allah being denied and mocked at, then sit not with them until they engage in talk other than that; [but if you stayed with them], certainly in that case you would be like them. Indeed, Allah will gather the *munafiqin* and *kafirin* together in Hell."[34]

So how could it not be *kufr* to participate in a process that hands the sovereignty of legislation to other than Allah and selects people to legislate besides Allah?

Second, if the one who participates with the Christians, Jews, and Magians in their festivals and religious symbols is a *kafir*, even if he did not intend to disbelieve, how is the one who participates willingly in this [democratic election] process not considered a *kafir*?

Imam Burhan ad-Din ibn Sadr ash-Shari'ah (d. 616 A.H.) stated, "Whoever goes to the *suddah* (i.e., a gathering of people of *kufr*), then verily, he has disbelieved. Because therein is the public displayance of *kufr*, so it is as if he has aided them in that. Furthermore, what can be derived by analogy from the

[34] An-Nisa: 140.

issue of the *suddah* is going to the *Nayruz* of the Magians[35] and conforming with the actions that they perform on that day from the *Muslimin* being bound to *kufr*. And most of those who do that are those from them who accepted Islam. Thus when he goes out with them during that day and conforms with them, he becomes a *kafir* without even realizing it."[36]

And *al-'Allamah* Badr ar-Rashid al-Hanafi said, "Whoever from them accepts Islam then goes out to them on that day and conforms with them becomes a *kafir*."[37] And the *suddah* is the gathering of the people of *kufr*.[38]

Third, if whoever said to the gathering of the Magians on the day of the *Nayruz*: "An excellent event that they have established," is a *kafir*, then, how can whoever said "entering into the democratic parliamentary bodies and participating in democratic elections is an Islamic obligation (*wajib shar'i*)" not a *kafir*?

Al-'Allamah Badr ar-Rashid al-Hanafi remarked, "And from the collection of current day issues: The Magians gather together on the day of *Nayruz*, then a Muslim said, "An excellent event that they have established," [and he] disbelieved."

And Shaykh 'Ali al-Qari, the elucidator of the former's book, stated, "Because he approved of the establishing of *kufr*, which implies disdain of the method of Islam."[39]

In sum, I choose to refrain from *takfir* of the masses of the *Muslimin* who participate in this [election] system and its likes from the issues whose realities have been covered and obscured with ignorance. Because this *fitnah* is recent

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35 A Magian festival (ed.)
36 *Al-Muhit al-Burhani fi al-Fiqh an-Nu'mani*, v. 7, p. 427, under the section of resembling the *kuffar*. See also *Majma' al-Anhar Sharh Multaqi al-Abhar*, v. 1, p. 298, and *Al-Bahr ar-Ra'iq Sharh Kunz ad-Daqa'iq*, v. 5, p. 133.
37 *Al-Fadh al-Kufr*, p. 88.
38 See *Sharh al-Fadh al-Kufr*, p. 208.
39 *Al-Fadh al-Kufr*, p. 86. *Sharh al-Fadh al-Kufr*, p. 206.

and a contemporary matter, and its *asbab* of *kufr* have newly emerged. Most of them do not know its reality and are not able to figure it out, due to what accompanies it from the soundwaves of deception and misguidance of the various parties and evil scholars who some of the masses trust.

All of that draws us to the saying of refraining from *takfir* of them until the reality of this parliamentary system is clarified and that its reality is selecting legislators besides Allah as a way of self-governance. And this is not giving an excuse of ignorance in *shirk*. It is only negating *takfir* due to the *sabab* being incomplete, and that is the lack of intention of the *kufri* meaning because of the ignorance of the reality of the affair. The *sabab* of *takfir* would only be accomplished when coming with the complete picture of both doing the action willingly and knowing the reality of the action and its meaning. All of those are parts of the *sabab* and go together. Therefore, whoever participates in this system has come with the depiction of the action; so if he was ignorant of the reality of the action and its meaning, then, he did not intend the meaning of the action and its reality. He would have only come with the image of the action, and this is not sufficient for the ruling of *takfir*, rather, it is necessary that he intends the meaning as he intended the depiction of the action.

And it is our opinion that the majority of the masses do no intend this *kufri* meaning and only come with the image of the action. The reason we think this is the massive amount of ignorance found with the masses concerning the reality of the democratic election process. This is what prevents us from placing upon the masses the ruling of what they have shown from the depiction of the action. Because having doubt in regard to the *sabab* being fulfilled necessitates in invalidating the ruling, like doubt in the realization of the *sabab* and condition.[40] And Allah's help is sought.

Whoever does not differentiate between negating *takfir* due to being ignorant of the ruling and negating *takfir* due to the *sabab* of *takfir* being incomplete is

[40] Similar to this is what Imam al-Mundhiri stated in *Al-Ijma'*, "They (i.e., the scholars) agreed that the *hadd* (punishment) is repelled due to *shubuhat* (misgivings) [the conditions have been fulfilled]." (ed.)

merely due to his own shortcomings in precisely determining the core essence of the structural semantics and acts. But as for whoever participates or gives a verdict on the permissibility of participating in this system while knowing its reality, then, he is a *kafir*. Whether or not he was a student of knowledge or a scholar or a layman. And as regards to those who do not know the reality of this system, then, we not declare *takfir* of him. In respect to the ruling and the reality, there is no difference between the candidates being voted for claiming to want to rule by the *Shari'ah* through these gatherings according to his claim, and those who do not. However, this point is what would increase the misconception of the masses and strengthen the absence of their intent towards the *kufri* meaning. And this elaboration is the closest to the principles of the *Salaf* in relation to newly emerging *asbab* from *kufri* innovation, such as the innovation of the creation of the Quran.

Al-Marrudhi (*rahimahullah*) remarked, "I said to Abu 'Abdillah (Ahmad ibn Hanbal) about whoever refrains and does not say: 'It is not created,' but said: 'I say it is the speech of Allah.' Ahmad replied: 'It is said to him that the scholars say it is not created. If he refuses [after that], then he is a *Jahmi*.' "[41]

And Imam Ahmad ibn Muni' al-Baghawi (*rahimahullah*) stated, "Whoever claims that it is created, then he is a *Jahmi*. And whoever refrains in regard to it (i.e., not saying anything), then, if he was from those who do not comprehend, like the simple merchants, the women, the children, we remain silent about them and teach. But if was from among those who understand, then, place him in the valley of the *Jahmiyyah*."[42]

Abu Hatim ar-Razi and Abu Zur'ah ar-Razi (*rahimahumallah*) said, "Whoever claims that the Quran is created is a *kafir* in Allah, the Mighty; the *kufr* that removes one from the *millah* (i.e., Islam). And whoever doubts in his *kufr* from among those who understand is a *kafir*. And whoever doubts in the speech of Allah (*'azza wa jall*) by refraining and says: 'I do not know if it is created or

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[41] 'Abdullah, *As-Sunnah*, no. 209. Abu Bakr al-Khallal, no, 1784.
[42] *Al-Hujjah fi Bayan al-Mahajjah*, v. 1, p. 424.

not,' is a *Jahmi*. And whoever refrains regarding the Quran because he is ignorant is taught and considered an innovator but not a *kafir*. And whoever said: 'My speaking of the Quran is created,' or: 'The Quran via my voice is created,' is a *Jahmi*."[43]

And Imam Qawam as-Sunnah (d. 535 A.H.) (*rahimahullah*) asserted, "Whoever claims that the Quran or parts of it or something from it is created, then, there is no doubt according to us and according to the people of knowledge from the people of the Sunnah, virtue, and *din*, that he is a *kafir* with the *kufr* that removes him from the *millah*. [...] And whoever doubts the *kufr* of whoever said 'the Quran is created' after having knowledge and hearing the speech of the renowned scholars, then he is [a *kafir*] like him."[44]

Shaykhul-Islam (*rahimahullah*) said concerning whoever does not declare *takfir* of some of the apostate groups due to being ignorant of the ruling or reality of the affair, "Whoever thinks well of them and does not know their reality, their reality is shown to him. Then, if he does not disassociate from them and show rejection towards them, he is appropriately considered one of them."[45]

He (*rahimahullah*) also stated, "Whoever doubts in the disbelief of these [groups] after knowing their speech and knowing the *din* of Islam, then, he is a *kafir* like whoever doubts in the *kufr* of the Jews, Christians, and *mushrikin*."[46]

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[43] Al-Lalakai, *Sharh 'Aqidah Ahl as-Sunnah wal-Jama'ah*, v. 1, p. 178.
[44] *Al-Hujjah fi Bayan al-Mahajjah*, v. 1, p. 223.
[45] *Majmu' al-Fatawa*, v. 2, p. 133.
[46] Ibid, v. 2, p. 268.

أهل التوحيد

Publications